

## An analysis of Channel crossings & asylum outcomes November 2021

### Introduction

The issue of people crossing the Channel in small boats has received increased media and political attention over recent years<sup>1</sup>. Whilst there has undoubtedly been an increase in the number of people crossing the English Channel to seek asylum, the overall number of people claiming asylum in the UK has actually decreased. The latest official statistics show that in the year ending June 2021, 37,235 people applied for asylum in the UK, a 4% decrease on the previous year. The increase in the number of people using small boats to enter the UK represents a change in one of the methods people are using to enter the UK to seek asylum, rather than an increase in the actual number of people claiming asylum. Historically a greater proportion of people seeking asylum would have entered the UK irregularly through freight transit routes, which have become more difficult to access over recent years, primarily because of increased security measures at the freight terminals around Calais.

This year in particular has seen a marked increase in the number of small boat arrivals compared to 2020. At the time of writing, it has been reported in the media that more than 23,000<sup>2</sup> people have made the crossing from France to the UK by boat so far this year, a sharp rise on the 8,404 arrivals in 2020, and far more than in years before the pandemic, when most asylum seekers arrived by plane, ferry or train. It is likely that crossing the Channel in small boats has now become the main means of entry into the UK for people seeking asylum in 2021.

In 2019, the Home Secretary, Priti Patel stated that she would make migrant crossings an “infrequent phenomenon” by spring 2020 and then made a further pledge in August 2020 to “make this route unviable”. Yet the numbers of people arriving after crossing the Channel have continued to rise.

The government has repeatedly referred to people crossing the Channel in small boats as ‘economic migrants’ rather than people ‘in genuine need of protection’ and have created a narrative suggesting that these people are somehow ‘jumping the queue’ in front of others in need of protection. The Home Secretary repeated this narrative during an oral evidence session at the House of Lords Justice and Home Affairs Committee<sup>3</sup> on the 27<sup>th</sup> October 2021, by stating “all the data and evidence has shown this—that in the last 12 months alone 70% of the individuals who have come to our country illegally via small boats are single men, who are effectively economic migrants. They are not genuine asylum seekers. They are able to pay the smugglers and get in contact with the gangs, whether they are in northern France or Germany. These are the ones who are elbowing out the women and children, who are at risk and fleeing persecution”

<sup>1</sup> [https://refugee-rights.eu/wp-content/uploads/2021/02/RRE\\_BoatCrossingsInTheChannel-Timeline.pdf](https://refugee-rights.eu/wp-content/uploads/2021/02/RRE_BoatCrossingsInTheChannel-Timeline.pdf)

<sup>2</sup> <https://www.bbc.co.uk/news/uk-59257107>

<sup>3</sup> <https://committees.parliament.uk/oralevidence/2914/pdf/>

This report sets out what is known about who is coming across the Channel in small boats, examining the likely outcome of any asylum claim from people arriving via the Channel, using published data from the government's official quarterly immigration statistics along with data obtained from Freedom of Information (FOI) requests for the period January 2020 to May/June 2021. The methodology compares FOI data relating to the nationality of people arriving by small boats against published data relating to the grant rate at initial decision stage for those nationalities as well as the percentage of appeals that are allowed for the same nationalities.

## Summary

- 70% of the total number of people arriving via small boats (12,195 people) from January 2020 to May 2021 came from just five countries of origin: Iran, Iraq, Sudan, Syria and Vietnam.
- Over 91% of the total small boat arrivals (11,123 people) came from just ten countries of origin, including Afghanistan, the 7<sup>th</sup> highest nationality of all small boat arrivals.
- Iranians (the top nationality) accounted for 26% of all arrivals.
- 98% of people who arrive after crossing the Channel in a small boat make a claim for asylum.
- Eight of the countries in the top 10 have a higher grant rate (i.e. are granted asylum) than the overall grant rate for all nationalities, a clear indicator that the majority of people crossing the Channel are likely to be recognised as being in need of protection at initial decision stage.
- Nine of the countries in the top 10 have a higher success rate at appeal than the overall rate (46%) for all nationalities, a clear indicator that the majority of people crossing the Channel who lodge an appeal after having their case refused by the Home Office, could have the refusal overturned by the court.
- Many of the people who have been issued with a notice of intent (the start of the inadmissibility process) come from countries where the grant rate for initial decisions made in the first 6 months of 2021 was as high as 99% (Eritreans, Syrians and Sudanese all had a grant rate of 99%).
- There are extremely limited alternative 'safe routes' available for many of the top nationalities crossing the Channel. The UK did not resettle a single person from Kuwait, Yemen or Vietnam in the period January 2020 to May 2021 and only one person from Iran was resettled (Iranians are the top nationality for people crossing the Channel).
- The government and Home Office's narrative that the majority of people crossing the Channel are economic migrants is brought into question by the analysis presented in this report.

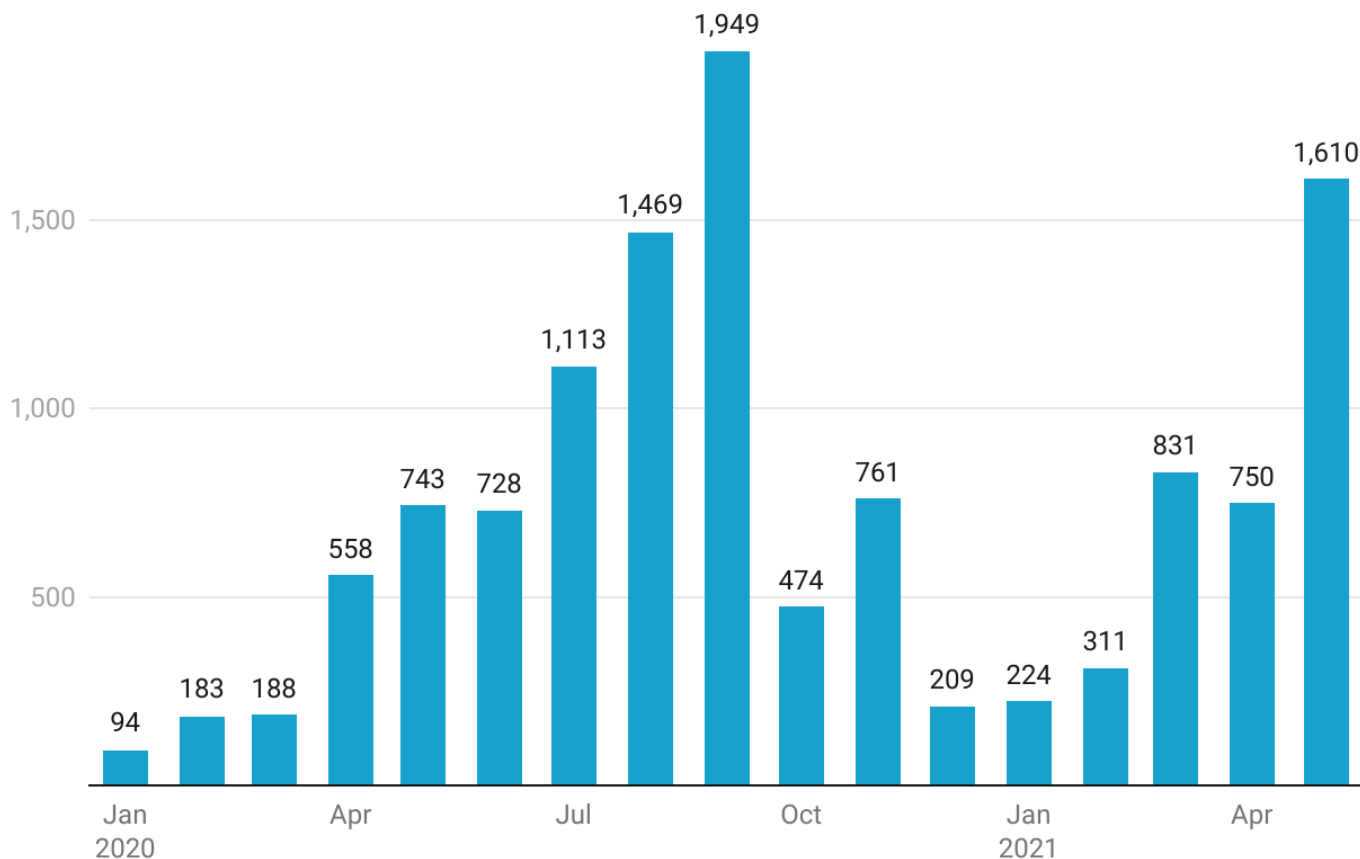
## How many people have arrived in the UK after crossing the Channel in a small boat?

The Home Office do not publish any data relating to the number of Channel arrivals as part of the quarterly immigration statistics. Sporadic data has been provided on occasion to the Home Affairs Select Committee, though there remains a distinct lack of published data.

At the time of writing, it has been widely reported in the media that more than 23,000 people have crossed the Channel in small boats so far this year, compared to 8,460 people in 2020.

Data obtained through Freedom of Information requests by the Refugee Council shows that in the period from 1<sup>st</sup> January 2020 to 31<sup>st</sup> May 2021, **12,195 people arrived in the UK** after crossing the Channel in a small boat. The data also shows a high level of seasonal fluctuation with **over half (54%) of crossings made in 2020 taking place in the summer months** (July, August and Sept) when conditions at sea are often more favourable. Figure 1 below provides a breakdown of the number of arrivals per month.

**Figure 1: Number of people arriving via small boats from 1 Jan 2020 to 31 May 2021.**



Latest reports indicated that since May the numbers have continued to rise with most recent reported figure for arrivals this year now standing at 23,000 arrivals. This is already more than double the figure (a 172% increase) for 2020 when 8,469 people arrived after crossing the Channel.

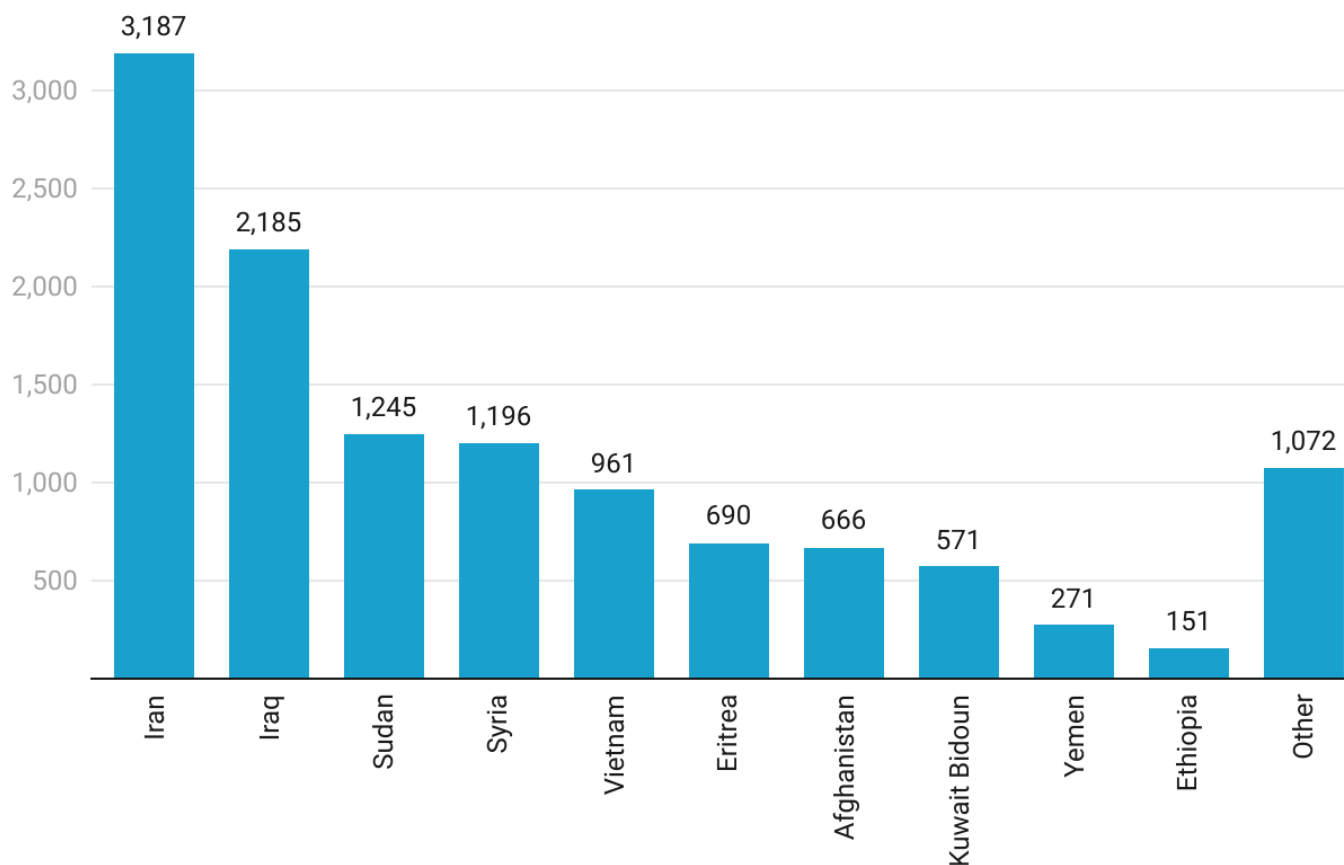
### **What countries do people arriving in small boats come from?**

Analysis of the FOI data shows that **70% (8,774 people) of the 12,195 people arriving via small boats came from just five countries of origin, Iran, Iraq, Sudan, Syria and Vietnam.** Iranians accounted for 26% of all arrivals.

Over 91% of the total small boat arrivals (11,123 people) came from just ten countries of origin (including Afghanistan, the 7<sup>th</sup> highest nationality of all small boat arrivals). The remaining 9% of arrivals (1,072 people) comprise predominantly low numbers from 40 countries of origin.

Appendix 1 at the end of the report provides a detailed breakdown of the top nationalities. Figure 2 below provides a breakdown of the top ten nationalities for small boat arrivals.

**Figure 2: Top ten nationalities of small boat arrivals (1 Jan 2020 - 31 May 2021).**



It is important to note that for many of the nationalities in the top 10, there are few, if any alternative ‘safe routes’ to protection available to them. The UK did not resettle a single person from Kuwait, Yemen or Vietnam in the period January 2020 to May 2021 and only one person from Iran was resettled (Iranians are the top nationality for people crossing the Channel).

### **How many people who have arrived go on to make a claim for asylum?**

The Home Office do not publish this data but officials have previously stated that 98% of small boat arrivals go on to make a claim for asylum.<sup>4</sup> Given this percentage is so high, for the purposes of statistical analysis contained in this briefing, we have made an assumption that 100% of the people arriving in small boats during the period January 2020 to May 2021 went on to enter the asylum system.

Since 31 December 2020, a new Immigration Rule has been in place that means the UK government can class someone’s asylum claim as inadmissible if they have travelled through, or have a connection to, what is deemed a third safe country. The new rules also give the Home Office the power to remove people seeking asylum to a safe country that agrees to receive them, even if they have never been there or have any connections to it. The Home Office’s New Immigration Plan seeks to move the existing inadmissibility rules into primary legislation. Under this rule, if someone has not been removed from the UK ‘within a reasonable period of time’ (guidance advises that in practical terms this means six months), their asylum claim can then be heard in the UK. At present, the UK has very few bilateral removal agreements with other countries, and none with countries in the EU, so the only outcome is to add six months to the asylum process, increasing the waiting time for individuals and adding to the record-high backlog of people awaiting an initial decision.

<sup>4</sup> Oral evidence provided by Director General of UKVI to the Home Affairs Select Committee on 3 September 2020. <https://committees.parliament.uk/oralevidence/793/default/>

It is also important to note that there is nothing in International Law that requires a person seeking asylum to claim asylum in the first country they travel to, the inadmissibility rules simply puts in place a mechanism allowing the government to return people to countries they have travelled through.

Despite this, it is still useful to look at the respective grant rates at initial decisions as these provide a clear indicator as to the likely outcome at initial decision stage for those who arrived on small boats.

## **What is the likely outcome of an asylum claim for people arriving via small boats?**

Whilst the Home Office do not publish data on the outcome of asylum cases made by people who arrived in small boats, it is possible to examine the data contained within the quarterly immigration statistics on grant rates at initial decision stage i.e. the decision to give somebody asylum to stay in the UK, and the percentage of successful appeals for the top 10 nationalities of people arriving by small boats. This provides a good indication as to how particular nationalities are likely to be granted protection following an asylum claim.

### **Outcome at initial decision stage**

When a person makes a claim for asylum, they enter into a process whereby the Home Office interviews them and makes a decision on their case. This is known as the 'initial decision'. The outcome of an initial decision could be a grant of protection (either refugee status or humanitarian protection), a grant of some other form of leave to remain or a refusal of the case.

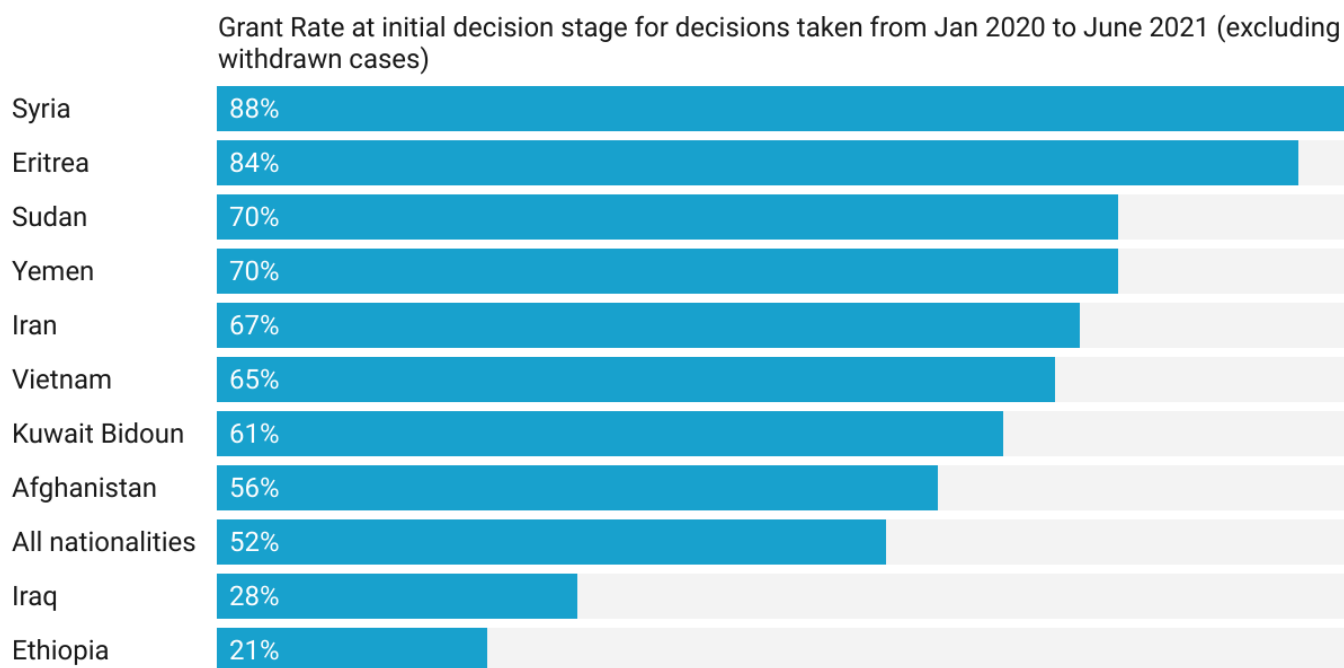
Examination of the data for the grant rates at initial decision stage for decisions made in the period Jan 2020 – June 2021 (the closest available data to align with the arrival data set out above ) shows that for the top 10 countries of origin arriving by small boat, **61% of initial decisions made from Jan 2020 to June 2021 would have resulted in refugee protection being granted (a grant of protection being refugee status or humanitarian protection)**. This compares to grant rate of **52%** for decisions made for all nationalities in the same period.

Closer analysis of the quarterly data shows that the percentage of cases granted protections at initial decision stage varies across the top 10 nationalities of people arriving by small boats, from a low of 21% for Ethiopians to a high of 88% for Syrians.

**Eight of the countries in the top 10 have a higher grant rate than overall grant rate of 52% for the same period.** This indicates that the majority of people who arrive by small boat are likely to be granted protection, seriously calling into the question the narrative put forward by the government that people arriving by small boats do not have a genuine need for protection as they are 'economic migrants'.

Appendix 1 at the end of the report provides a detailed breakdown of the figures, whilst Figure 3 below provides a breakdown of the percentage of cases granted protection at initial decision stage.

**Figure 3: Percentage of cases granted protection for initial decisions made between January 2020 and June 2021.**



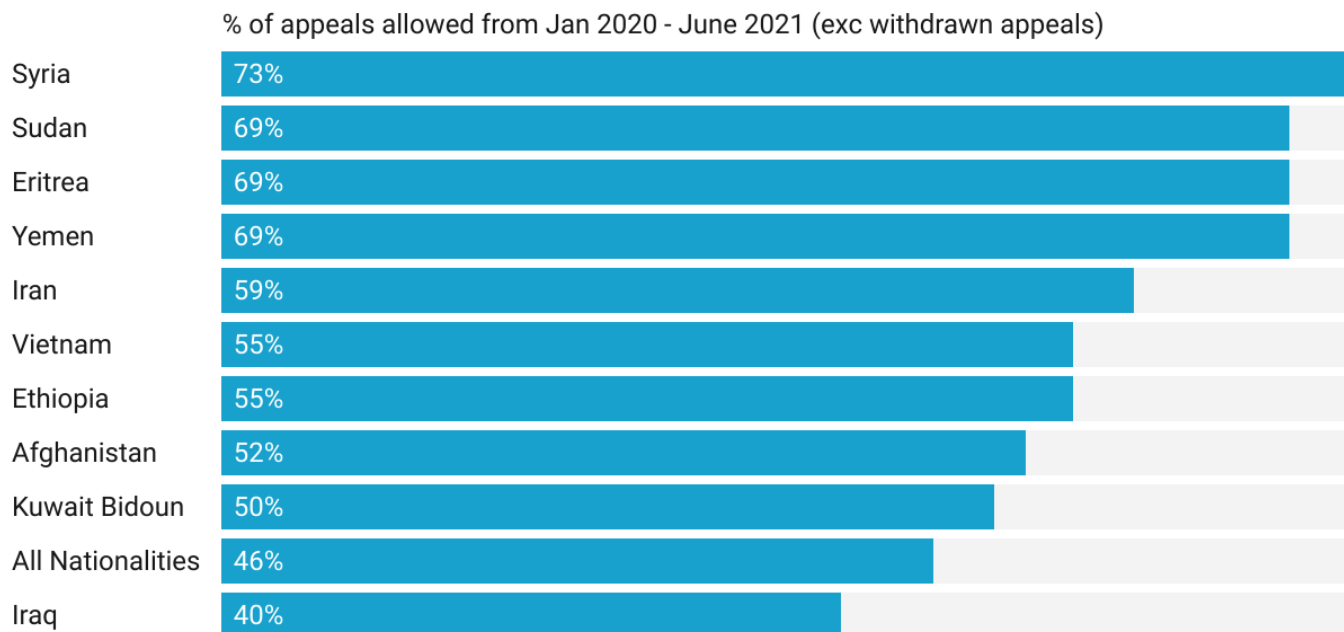
**Outcome at appeal stage**

If an asylum claim is refused by the Home Office at the initial decision stage, the applicant has a right of appeal to an independent Tribunal. A decision on the appeal is then made by a judge. The quarterly immigration statistics can be analysed to show the percentage of appeals that were allowed in the period January 2020 to June 2021 for the top ten nationalities of small boat arrivals. This data shows that 59% of appeals were allowed for the top 10 countries of origin, compared to 46% for appeals allowed for all countries of origin for the same period (January 2020 to June 2021).

An allowed appeal is one where the initial refusal is overturned and the judge replaces the decision (most commonly with a decision to grant a form of status). **Nine of the countries in the top 10 have a higher success rate at appeal all than the overall rate (46%) for all nationalities.**

There is some variation within the top 10 countries of origin, with a low of 40% of appeals allowed for Iraqis compared to a high of 73% of appeals allowed for Syrians. Figure 4 below shows the percentage of appeals allowed for the top ten countries of origin for small boat arrivals.

**Figure 4: Percentage of appeals allowed for the top 10 countries of origin for small boat arrivals.**



## Inadmissibility

As outlined above, new inadmissibility rules came into force on the 31 December 2020. The new rules allow the Home Office to deem an asylum case as inadmissible if they suspect an applicant has entered the UK after travelling through or has a connection with a safe third country. The first stage of this process involves the Home Office issuing a ‘notice of intent’ letter, informing the applicant that the Home Office is considering whether to treat the claim as inadmissible. The Home Office then has 6 months to explore opportunities to return the applicant to a third country. The case is effectively ‘paused’ during this period and will only progress if the Home Office is unable to return the applicant within 6 months.

It is important to look at the effectiveness of the inadmissibility rules, as the government believe that the rules will discourage people from claiming asylum in the UK after travelling through a third country by threatening to return them to a third country for their asylum claim to be heard there.

The latest inadmissibility data from the quarterly immigration statistics shows that in the first six months of 2021, 4,561 people were issued with notices of intent, of whom only seven were deemed inadmissible at the end of June 2021. It is possible that the numbers deemed inadmissible will be higher in the future,<sup>5</sup> though it is important to note that even when the UK was able to return people to EU countries through the Dublin regulation, only around 25% of asylum cases resulted in the UK submitting a request to return the applicant to another EU country.

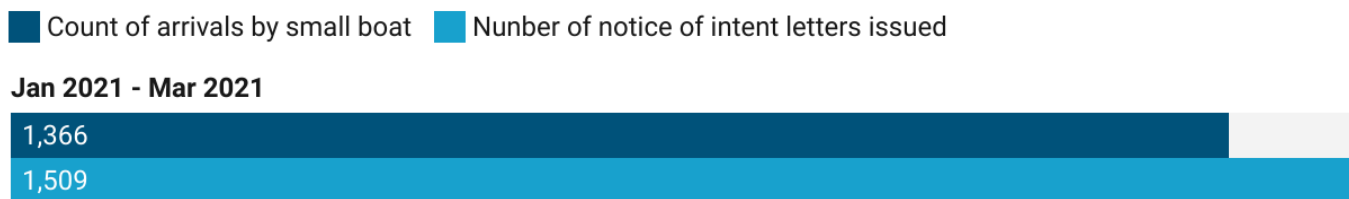
Given the fact that the government has negotiated very few returns agreements with third countries (only Albania in Europe and India in Asia) the vast majority of people issued with a notice of intent will actually go on to have their case heard in the UK, after being subject to a 6 month delay.

Analysis of FOI data on inadmissibility obtained by the Scottish Refugee Council shows that of the 4,561 people issued with a ‘notice of intent’ letter, 86% were male and 14% were female.

<sup>5</sup> Many of the 4,561 people issued with a notice of intent as of end of June 2021 could still be waiting for a decision as to whether the Home Office will deem their case as inadmissible.

By comparing the number of notice of intent letters issued with the total number of people arriving in small boats in January 2021 to March 2021 (the only comparable data available) it shows that whilst 1,366 people crossed the Channel 1,509 notices of intent were issued, suggesting that notices of intent have also been issued to people entering the UK through other routes of entry. Figure 5 below shows this in more detail.

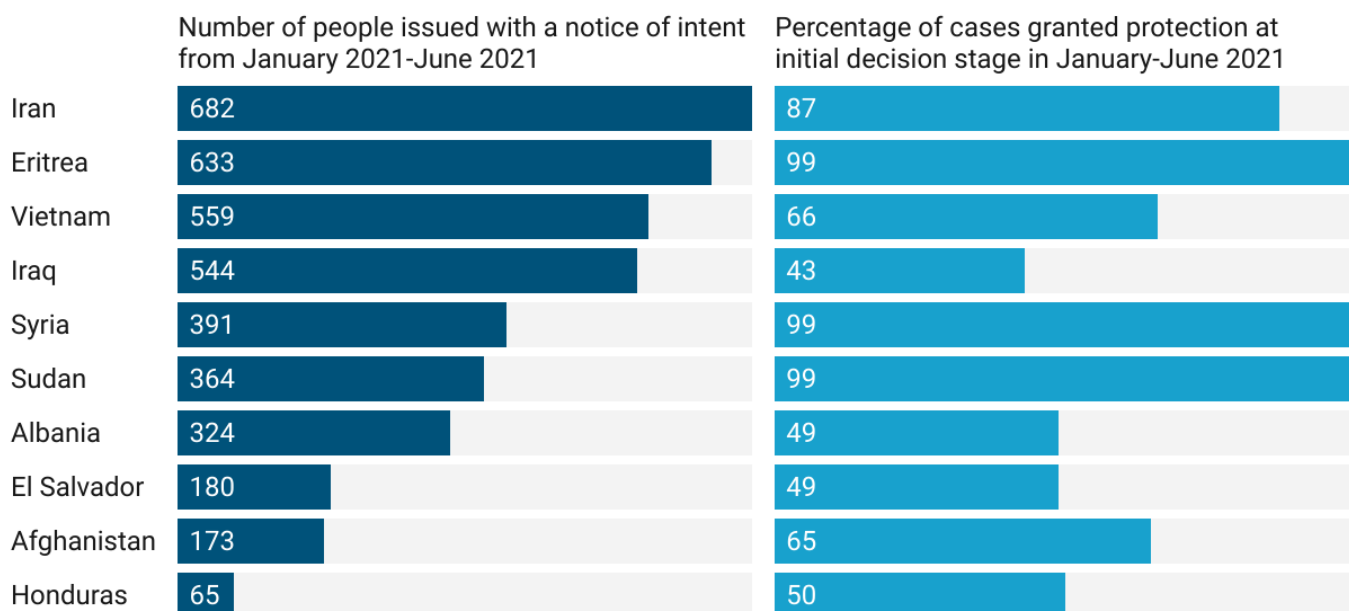
**Figure 5: Number of small boat arrivals compared to number of ‘notices of intent’ issued.**



The new inadmissibility rules mean that many of the people arriving by small boat in the first 6 months of 2021 are likely to have been issued with a notice of intent, delaying the decision making process. Despite this, it is useful to look at the grant rate for initial decisions made in the first six months of 2021 to obtain an indication as to the likely outcome of such cases had an initial decision been made within 6 months of arrival.

Analysis of the nationalities of people issued with a notice of intent and the grant rate at initial decision for the first 6 months of 2021 shows that many of the nationalities issued with a notice of intent had exceptionally high grant rates at the initial decision stage. This suggests that the vast majority of these cases are likely to be granted protection as and when they enter the decision making process. As an example, Iranians form the top nationality for people issued with a notice of intent in the first 6 months of 2021, yet the grant rate for initial decisions<sup>6</sup> on Iranian cases in the first 6 months of 2021 stands at 87%. The grant rate for Eritreans, Syrians and Sudanese cases is even higher at 99%. Appendix 2 provides a detailed breakdown of the figures. Figure 6 below shows the top 10 nationalities of people issued with a notice of intent along with the grant rate for initial decisions made in the first six months of 2021.

**Figure 6: Top 10 nationalities of people issued with a ‘Notice of intent’ letter from January 2021-June 2021 and the grant rate for initial decisions made in the same period.**



<sup>6</sup> ‘Grant rate’ refers to the percentage of initial decisions resulting in a grant of protection (refugee status or humanitarian protection) for initial decisions made in the first 6 months of 2021 (excluding withdrawn cases).



## The impact of the Nationality and Borders Bill

The government has framed their 'New Plan for Immigration' and the subsequent Nationality and Borders Bill as their solution to stop people from crossing the Channel through increased enforcement measures and harsher treatment for people once they arrive in the UK. One of the government's key aims is to 'deter illegal entry into the UK, thereby breaking the business model of people smuggling networks and protecting the lives of those that they endanger'

The Bill contains a number of punitive measures aimed at discouraging people from making irregular journeys to the UK to claim asylum. The proposals include further criminalisation of people who arrive irregularly and the creation of a two tier asylum system, whereby people seeking asylum who arrive after travelling through a third country (which would include people crossing the Channel) would receive differential treatment and restricted rights and entitlements when granted protection. The government has been framing these measures as their solution to stopping people from crossing the Channel.

It is important to note that a Home Office impact assessment <sup>7</sup> of the Nationality and Borders Bill states that 'There is a risk that increased security and deterrence could encourage these cohorts to attempt riskier means of entering the UK. However, deploying these measures does advance the legitimate aim of encouraging asylum seekers to claim in the first safe country they reach and not undertaking dangerous journeys facilitated by smugglers to get to the UK, though evidence supporting the effectiveness of this approach is limited'.

### Responding to Channel crossings

The Refugee Council recognises and shares the concern about the risks that people crossing the Channel are exposed to, as people are putting their lives in danger to get to the UK and are being exploited by people smugglers. The solution, however, is not further enforcement, criminalisation and punishment as these have already proven to be ineffective.

There will always be people seeking to claim asylum in the UK as there has been for many decades. The government needs to recognise this and provide safe alternatives to enable people to reach the UK to claim asylum without having to make dangerous journeys. The government's approach to date has clearly failed. Rather than making the route 'unviable', more people than ever are risking their lives crossing the Channel in small boats.

A more effective solution would include the following:

- a) An ambitious expansion of existing safe routes including both resettlement and refugee family reunion. The government should commit to an annual resettlement target of at least 10,000 refugees and expand the existing family reunion rules to allow child refugees to be able to sponsor their parents and adult refugees to be able to sponsor their children under the age of 25 or their elderly parents to join them in the UK.
- b) Establishing a humanitarian visa system to allow people to apply for a visa to enter the UK for the purposes of claiming asylum, thereby reducing the need for people to make dangerous journeys across the Channel. People can only claim asylum in the UK when they are physically here, which is why they make desperate, often fatal journeys to reach the UK. It doesn't have to be this way – humanitarian visas would enable people in need of protection to travel to the UK in a safe manner.
- c) A recognition that many people seeking asylum will have no other option other than making an irregular journey as recognised in the 1951 Refugee Convention, and therefore they need to be treated fairly and humanely by being granted a fair hearing on UK soil. The government need to put in place an efficient and effective asylum decision making system with timely decisions that are of high quality so people do not have to wait for months or years for an outcome on their case.

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<sup>7</sup> [https://publications.parliament.uk/pa/bills/cbill/58-02/0141/Nationality\\_and\\_Borders\\_Bill\\_-\\_EIA.pdf](https://publications.parliament.uk/pa/bills/cbill/58-02/0141/Nationality_and_Borders_Bill_-_EIA.pdf)

British Refugee Council (commonly called the Refugee Council) is a company limited by guarantee registered in England and Wales, [No 2727514] and a registered charity, [No 1014576]. Registered office: 134-138 The Grove, Stratford, E15 1NS, United Kingdom. VAT reg no: 936 519 988

## Conclusion

The findings of this report show that people who cross the Channel and enter into the asylum system are likely to be recognised as being in need of protection. Examination of the nationalities of people who arrive via small boats shows that over 91% of people come from just 10 countries of origin. Of these, eight of the countries have a higher grant rate (i.e. are granted asylum) than the overall grant rate for all nationalities, a clear indicator that the majority of people crossing the Channel are likely to be recognised as being in need of protection at initial decision making stage. Furthermore, nine of the countries in the top 10 have a higher success rate at appeal than the overall success rate, a clear indicator that the majority of people crossing the Channel who lodge an appeal after having their case refused by the Home Office, are likely to have the refusal overturned by the court.

The fact that people crossing the Channel who make a claim for asylum are likely to be recognised as being in need of protection calls into question the government and Home Office's narrative that the majority of people crossing the Channel are not in genuine need of protection.

It is also important to note the lack of any 'safe' alternative routes for many of the nationalities crossing the Channel who are unable to access any of the UK resettlement schemes, despite the government's narrative that this is what they should be doing rather than making dangerous journeys. The UK did not resettle a single person from Kuwait, Yemen or Vietnam during the period January 2020 to May 2021 and only one person from Iran was resettled (Iranians are the top nationality for people crossing the Channel).

The government should abandon its current approach, which is destined to fail by simply forcing people, who through no fault of their own are in search of safety, to take even greater risks. Instead, it must focus on creating an asylum system that recognises people will always have to take irregular journeys, in the way that many thousands who have been given protection in the UK have done over the the last seven decades since the UK signed the UN Convention on Refugees. It must be a system that is based on both compassion and control by being fair, efficient and effective in making timely decisions to grant people protection who need it and ensure those who do not are supported to return to their country of origin.

Simply focussing on control through a policy of deterrence and punishment is ill thought out, and will ultimately lead to the government over promising and under delivering in seeking to stop people crossing the Channel to find safety in the UK. This is turn will seriously further undermine public trust in the asylum and immigration system. It is, therefore, imperative that the government takes a different approach.

## Appendix 1: Data for the Top ten nationalities of small boat arrivals

<b>Nationality</b>	<b>Count of arrivals between 1 Jan 2020 and 31 May 2021</b>	<b>Grant Rate at initial decision stage for decisions taken from Jan 2020 to June 2021 (excluding withdrawn cases)</b>	<b>% of appeals allowed from Jan 2020 - June 2021 (exc withdrawn appeals)</b>
Iran	3,187	67%	59%
Iraq	2,185	28%	40%
Sudan	1,245	70%	69%
Syria	1,196	88%	73%
Vietnam	961	65%	55%
Eritrea	690	84%	69%
Afghanistan	666	56%	52%
Kuwait Bidoun	571	61%	50%
Yemen	271	70%	69%
Ethiopia	151	21%	55%

### Notes:

The 'Grant rate at initial decision stage' refers to grants of protection (either refugee status or humanitarian protection)

The '% of appeals allowed' rate in the third column refers to appeals where the original decision to refuse a case has been overturned.

Data for the first column 'Count of arrivals between 1 Jan 2020 and 31 May 2021' is from FOI data

Data for the second and third columns is from the Quarterly Immigration Statistics (June 2021).

<https://www.gov.uk/government/statistics/immigration-statistics-year-ending-june-2021>

## Appendix 2: Top 10 nationalities issued with a 'notice of intent' from January 2021 to June 2021

Nationality	Male	Female	Total
Iran	622	60	682
Eritrea	513	120	633
Vietnam	478	81	559
Iraq	436	108	544
Syria	374	17	391
Sudan	364	0	364
Albania	276	48	324
El Salvador	92	88	180
Afghanistan	162	11	173
Honduras	40	25	65
Total (all nationalities)	3,906	655	4,561

Note: Data sourced from FOI request obtained by the Scottish Refugee Council